

| | | | |
|---|--|---|---|
| FORM PTO-1390 (REV. 11-2000) TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTORNEY'S DOCKET NUMBER <i>SSB 202</i> |
| INTERNATIONAL APPLICATION NO. <i>PCT/DE 2004/001729</i> | | INTERNATIONAL FILING DATE <i>August 2, 2004</i> | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 101567133 |
| TITLE OF INVENTION <i>MIXING SHAFT FOR THOROUGH MIXING AND COMMINUTION</i> | | | |
| APPLICANT(S) FOR DO/EO/US <i>FRANZ KOOP ET AL.</i> | | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | | |
| <p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> | | | |
| <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</p> <p>14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p> | | | |

| | | | | |
|---|-------------------------------|----------------------------------|------------------|----|
| U.S. APPLICATION NO. (37 CFR 1.492(a)(1)) 10/367193 | INTERNATIONAL APPLICATION NO. | ATTORNEY'S DOCKET NUMBER | | |
| <p>21. <input type="checkbox"/> The following fees are submitted:</p> <p>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1040.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00</p> <p>ENTER APPROPRIATE BASIC FEE AMOUNT = \$ 450.00</p> | | CALCULATIONS PTO USE ONLY | | |
| <p>Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</p> | | | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ |
| Total claims | - 20 = | | x \$18.00 | \$ |
| Independent claims | - 3 = | | x \$84.00 | \$ |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$280.00 | \$ |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | + \$ | \$ |
| SUBTOTAL = | | | | \$ |
| <p>Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</p> | | | | \$ |
| TOTAL NATIONAL FEE = | | | | \$ |
| <p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</p> | | | + \$ | \$ |
| TOTAL FEES ENCLOSED = | | | | \$ |
| | | Amount to be refunded: | \$ 450.00 | |
| | | charged: | \$ | |
| <p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>110224</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> | | | | |
| <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</p> | | | | |
| <p>SEND ALL CORRESPONDENCE TO:</p> <p>Horst M. Kasper 13 Forest Drive Warren, N.J. 07059</p> | | | | |
| <p>SIGNATURE </p> <p>HORST M. KASPER</p> <p>NAME</p> <p>28,559</p> <p>REGISTRATION NUMBER</p> | | | | |

10/567133
IAP9 Rec'd PCT/PCTO 02 FEB 2006

PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

450.00

Complete if Known

| | |
|----------------------|--------------------|
| Application Number | ACT10E2041001729 |
| Filing Date | August 2, 2004 |
| First Named Inventor | FRANZ KASPER ET AL |
| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | SSB 202 |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 11-0224 Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|--------------|-------------|--------------|------------------|--------------|----------------|
| | Fee (\$) | Small Entity | Fee (\$) | Small Entity | Fee (\$) | Small Entity | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | 450 |

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | |
|--------------|--------------|----------|---------------|---------------------------|----------|
| | | | | Fee (\$) | Fee (\$) |
| - 20 or HP = | x | = | | 50 | 25 |

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | |
|---------------|--------------|----------|---------------|---------------------------|---------------|
| | | | | Fee (\$) | Fee Paid (\$) |
| - 3 or HP = | x | = | | | |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| - 100 = | / 50 = | (round up to a whole number) x | | 450 |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

SUBMITTED BY

| | | | |
|-------------------|-----------------------|---|------------------------|
| Signature | <i>John M. Kasper</i> | Registration No. 28,559 (Attorney/Agent) | Telephone 703-526-1711 |
| Name (Print/Type) | HANSI M. KASPER | | Date 2/21/06 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Franz Koop et al.

Serial No:

Art Unit:

Filing Date:

Title: Mixing Shaft For Thorough Mixing And Communiting of Food Products

Priority Application: Country: Germany; No.: 103 35 552.9; Filing Date: August 2nd, 2003

PCT Application: No.: PCT/DE 2004/001729 Filing Date: August 2nd, 2004

February 1st, 2006

Attorney's Docket No.: SSB202T1

TRANSMITTAL LETTER

Transmitted herewith for filing is:

Hon. Commissioner of Patents and Trademarks

Box PCT

P.O. Box 1451

Alexandria, VA 22313-1451

SIR:

Transmitted herewith for filing is:

Form PTO-1390

Form PTO-SB/17

Copy of the PCT application No. PCT/DE2004/001729 as published – Publication No. WO 2005/014152 (6 pages of the Specification, 4 pages of Claims and 3 drawing sheets)

English Translation of PCT application No. PCT/DE2004/001729 (9 pages of the specification, 4 pages of claims, 1 page of Abstract, and 3 drawing sheets)

Preliminary Amendment (7 pages)

Applicant claims small entity status. The fees indicated above are reduced by 1/2

Request to Accept Patent Application for Entering U.S. National Phase under 35 USC § 371

Claim of Priority

Form PTO-1449

Copy of the International Search Report (2 pages)

Fees in the amount of **\$450.00** are to be charged to a credit card. Form PTO -2038 is enclosed

(X) The applicant hereby petitions the Commissioner of Patents and Trademarks to extend the time for response to any Office Action outstanding in the above captioned matter as necessary to avoid abandonment of the application. Please charge my deposit account No.11-0224 in the amount required to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to the above account.

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16, 1.17 and 1.18 or any additional fees which may be required during the entire pendency of the application, or credit any overpayment, to Acct. No.11-0224. A duplicate copy of this sheet is enclosed. If and only if(r) account

10/567133

10/567133 02 FEB 2006

funds should be insufficient, immediately contact our associate, Lisa Zumwalt, at (703) 415-0579, who will pay immediately to avoid deprivation of rights.

< > Please charge my Deposit Account No.11-O224 in the amount of \$ _____. A duplicate copy of this sheet is enclosed.

A signature or signatures required for the above-recited document(s) is (are) provided here below. Such signature(s) also provide(s) ratification for any required signature appearing to be defective in the above-recited document(s).

Horst M. Kasper

Horst M. Kasper, 13 Forest Drive, Warren, N.J.07059
Reg. No. 28,559 Tel.(908)526-1717

Express Mail Certification: I hereby certify that the correspondence attached hereto is being deposited with the USPS "Express Mail Post Office to Addressee" on the date indicated below and is addressed to the Hon. Commissioner of Patents and Trademarks Box PCT P.O. Box 1451 Alexandria, VA 22313-1451,

Deposit Date: 02-02-2006, "Express Mail Mailing Label No": ER 161376935 US

Signature: *Holoy* Date: 02-02-2006
*%Pci1:d:trans1(ssb202T1(Feb. 1st, 2006(dp&am

10/567133

10/567133 02 FEB 2006

CERTIFICATE OF ACCURACY OF TRANSLATION

The undersigned Horst Kasper

at the offices of Horst M. Kasper
13 Forest Drive
Warren, N.J. 07059

certifies that:

- (1) He is fully conversant both with the English and German languages.
- (2) He has translated the PCT Patent Application No. PCT/DE2004/001729 into the English language.
- (3) The translation is, to the best of his knowledge and belief, an accurate translation of the original document into the English language.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the matter with which this translation is used.

Date.: 2-2-06

Horst Kasper

Horst Kasper